

CUOMO LLC  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
T.K.

Plaintiff

-against-

**ANSWER**

Case No.:  
23cv5441(ARR)(LB)

[REDACTED]  
Defendant.

-----X  
The defendant [REDACTED] (“Defendant”) by and through his attorneys,  
Cuomo LLC, as and for his Answer to the Complaint of the Plaintiff in this action,  
respectfully sets forth and alleges as follows, upon information and belief, based upon the  
files maintained in our office:

**RESPONSES WITH RESPECT TO THE  
“PRELIMINARY STATEMENT” PARAGRAPHS**

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the  
Defendant denies knowledge or information sufficient to form a belief as to the truth  
or falsity of the allegations contained in such Paragraph.
2. With respect to the allegations contained in Paragraph 2 of the Complaint, the  
Defendant denies knowledge or information sufficient to form a belief as to the truth  
or falsity of the allegations contained in such Paragraph.

3. With respect to the allegations contained in Paragraph 3 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
4. With respect to the allegations contained in Paragraph 4 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
5. With respect to the allegations contained in Paragraph 5 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
6. With respect to the allegations contained in Paragraph 6 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
7. With respect to the allegations contained in Paragraph 7 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
8. With respect to the allegations contained in Paragraph 8 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
9. With respect to the allegations contained in Paragraph 9 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
10. With respect to the allegations contained in Paragraph 10 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
11. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendant denies the allegations contained in such Paragraph.

12. With respect to the allegations contained in Paragraph 12 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and respectfully refers all matters of law to the Court.

**RESPONSES WITH RESPECT TO THE  
“PARTIES” PARAGRAPHS**

13. With respect to the allegations contained in Paragraph 13 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
14. With respect to the allegations contained in Paragraph 14 of the Complaint, the Defendant denies the allegations contained in such Paragraph but Defendant admits he is a New York Resident

**RESPONSES WITH RESPECT TO THE  
“JURISDICTION AND VENUE” PARAGRAPHS**

15. With respect to the allegations contained in Paragraph 15 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and respectfully refers all matters of law to the Court. .
16. With respect to the allegations contained in Paragraph 16 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and respectfully refers all matters of law to the Court. .
17. With respect to the allegations contained in Paragraph 17 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth

or falsity of the allegations contained in such Paragraph and respectfully refers all matters of law to the Court.

**RESPONSES WITH RESPECT TO THE  
“FACTUAL ALLEGATIONS” PARAGRAPHS**

18. With respect to the allegations contained in Paragraph 18 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
20. With respect to the allegations contained in Paragraph 20 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
21. With respect to the allegations contained in Paragraph 21 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
22. With respect to the allegations contained in Paragraph 22 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
23. With respect to the allegations contained in Paragraph 23 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

24. With respect to the allegations contained in Paragraph 24 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
25. With respect to the allegations contained in Paragraph 25 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
26. With respect to the allegations contained in Paragraph 26 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
27. With respect to the allegations contained in Paragraph 27 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
28. With respect to the allegations contained in Paragraph 28 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
29. With respect to the allegations contained in Paragraph 29 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
30. With respect to the allegations contained in Paragraph 30 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
31. With respect to the allegations contained in Paragraph 31 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
32. With respect to the allegations contained in Paragraph 32 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
33. With respect to the allegations contained in Paragraph 33 of the Complaint, the Defendant denies the allegations contained in such Paragraph.

34. With respect to the allegations contained in Paragraph 34 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
35. With respect to the allegations contained in Paragraph 35 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
36. With respect to the allegations contained in Paragraph 36 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
37. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
38. With respect to the allegations contained in Paragraph 38 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
39. With respect to the allegations contained in Paragraph 39 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
40. With respect to the allegations contained in Paragraph 40 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
41. With respect to the allegations contained in Paragraph 41 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
42. With respect to the allegations contained in Paragraph 42 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
43. With respect to the allegations contained in Paragraph 43 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
44. With respect to the allegations contained in Paragraph 44 of the Complaint, the Defendant denies the allegations contained in such Paragraph.

45. With respect to the allegations contained in Paragraph 45 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
46. With respect to the allegations contained in Paragraph 46 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
47. With respect to the allegations contained in Paragraph 47 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
48. With respect to the allegations contained in Paragraph 48 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
49. With respect to the allegations contained in Paragraph 49 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
50. With respect to the allegations contained in Paragraph 50 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
51. With respect to the allegations contained in Paragraph 51 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
52. With respect to the allegations contained in Paragraph 52 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
53. With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

54. With respect to the allegations contained in Paragraph 54 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
55. With respect to the allegations contained in Paragraph 55 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
56. With respect to the allegations contained in Paragraph 56 of the Complaint, the Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**RESPONSES WITH RESPECT TO THE  
FIRST CAUSE OF ACTION**

57. With respect to the allegations contained in Paragraph 57 of the Complaint, the Defendants state that the Defendants repeat and reallege the responses in all preceding paragraphs as if fully set forth herein.
58. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
59. With respect to the allegations contained in Paragraph 59 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
60. With respect to the allegations contained in Paragraph 60 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
61. With respect to the allegations contained in Paragraph 61 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
62. With respect to the allegations contained in Paragraph 62. of the Complaint, the Defendant denies the allegations contained in such Paragraph.



**RESPONSES WITH RESPECT TO THE  
SECOND CAUSE OF ACTION**

63. With respect to the allegations contained in Paragraph 63 of the Complaint, the Defendants state that the Defendants repeat and reallege the responses in all preceding paragraphs as if fully set forth herein.
64. With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
65. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
66. With respect to the allegations contained in Paragraph 66 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
67. With respect to the allegations contained in Paragraph 67 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
68. With respect to the allegations contained in Paragraph 68. of the Complaint, the Defendant denies the allegations contained in such Paragraph.

**RESPONSES WITH RESPECT TO THE  
THIRD CAUSE OF ACTION**

69. With respect to the allegations contained in Paragraph 69 of the Complaint, the Defendants state that the Defendants repeat and reallege the responses in all preceding paragraphs as if fully set forth herein.
70. With respect to the allegations contained in Paragraph 70 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
71. With respect to the allegations contained in Paragraph 71 of the Complaint, the Defendant denies the allegations contained in such Paragraph.

72. With respect to the allegations contained in Paragraph 72 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
73. With respect to the allegations contained in Paragraph 73 of the Complaint, the Defendant denies the allegations contained in such Paragraph.
74. With respect to the allegations contained in Paragraph 74. of the Complaint, the Defendant denies the allegations contained in such Paragraph.
75. With respect to the allegations contained in Paragraph 75. of the Complaint, the Defendant denies the allegations contained in such Paragraph.
76. With respect to the allegations contained in Paragraph 76. of the Complaint, the Defendant denies the allegations contained in such Paragraph.
77. With respect to the allegations contained in Paragraph 77. of the Complaint, the Defendant denies the allegations contained in such Paragraph.
78. With respect to the allegations contained in Paragraph 78. of the Complaint, the Defendant denies the allegations contained in such Paragraph.
79. With respect to the allegations contained in Paragraph 79. of the Complaint, the Defendant denies the allegations contained in such Paragraph.

#### **AFFIRMATIVE AND OTHER DEFENSES**

The Defendant asserts the following affirmative and other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendant further asserts that, to the extent that the Plaintiff's claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative or other defense, the Defendant hereby expressly reserves the right to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses are applicable.

**AS AND FOR A FIRST DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The statements and allegations contained in the Plaintiff's Complaint may fail to state any valid cause(s) of action upon which relief can be granted as a matter of fact and/or law.

**AS AND FOR A SECOND DEFENSE TO THE PLAINTIFF'S COMPLAINT**

Plaintiff failed to mitigate her damages

**AS AND FOR A THIRD DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The Defendant states, in the alternative if necessary, that any actions or omissions with respect to the Plaintiff were taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law and without intent to do harm to Plaintiff.

**AS AND FOR A FOURTH DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The images involved are not the type or class of images covered by the law applicable to Plaintiff's claims.

**AS AND FOR A FIFTH DEFENSE TO THE PLAINTIFF'S COMPLAINT**

The Defendant states, in the alternative if necessary, that if they may be found to have violated any law or regulation, that any such violation was not willful.

**RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES**

The Defendant states that he currently has insufficient knowledge or information on which to form a belief as to whether he may have additional, as yet unstated, defenses available. As such, the Defendant expressly reserves the right to assert additional defenses, and to seek to amend this Answer to include any such additional defenses, in the event that discovery indicates that any such additional defenses would be appropriate.

WHEREFORE Defendant demands judgment in his favor, dismissal of the complaint, interest, costs and disbursements and such other and further relief as the court deems just and proper.

Dated: September 25, 2023

Respectfully submitted,

/s/ Oscar Michelen

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